

"The Trial of Arthur Miller"

In the following essay from the June 1957 Esquire, John Steinbeck eloquently defends American playwright Arthur Miller and excoriates the House on Un-American Activities Committee. Curiously, Steinbeck here uses the rhetoric of patriotism to counter McCarthy's and HUAC's patriotic rhetoric. This typifies Steinbeck's approach to social problems, to turn the rhetoric used unjustly against itself. The text comes from Contemporary Moral Issues (Belmont, CA, 1963. 72-74).

The trial of Arthur Miller for contempt of Congress brings close to all of us one of the strangest and most frightening dilemmas that a people and a government has ever faced. It is not the first trial of its kind, nor will it in all probability be the last. But Arthur Miller is a writer--one of our very best. What has happened to him could happen to any writer; could happen to me. We are face to face with a problem by no means easy of solution....

No man knows what he might do in a given situation, and surely many men must wonder how they would act if they were in Arthur Miller's shoes. I wonder what I would do.

Let me suppose that I were going to trial for contempt of Congress as he is. I might be thinking somewhat as follows:

There is no doubt that Congress has the right, under the law, to ask me any question it wishes and to punish my refusal to answer with a contempt charge. The Congress has the right to do nearly anything conceivable. It has only to define a situation or an action as a "clear and present danger" to public safety, public morals, or public health. The selling or eating of mince pie could be made a crime if Congress determined that mince pie was a danger to public health--which it probably is. Since many parents raise their children badly, mother love could be defined as a danger to the general welfare.

Surely, Congress has the right to ask me anything on any subject. The question is: Should Congress take advantage of that right?

Let us say that the Congressional Committee feels that the Communist Party and many groups which have been linked with it--sometimes arbitrarily--constitute a clear and present danger to the nation. Now actually it is neither virtue nor good judgment on my part that has kept me from joining things. I am simply not a joiner by nature. Outside of the Boy Scouts and the Episcopal choir, I have never had an impulse to belong to things. But suppose I had. And suppose I have admitted my association with one or more of these groups posted as dangerous. As a writer, I must have been interested in everything, have felt it part of my profession to know and understand all kinds of people and groups. Having admitted these associations, I am now asked by the Committee to name individuals I have seen at meetings of such groups. I hope my reasoning then would go as follows:

The people I knew were not and are not, in my estimation, traitors to the nation. If they were, I would turn them in instantly. If I give names, it is reasonably certain that the persons named will be called up and questioned. In some cases they will lose their jobs, and in any case their reputations and standing in the community will suffer. And remember that these are persons who I honestly believe are innocent of any wrongdoing. Perhaps I do not feel that I have that right; that to name them would not only be disloyal but actually immoral. The Committee then is asking me to commit an immorality in the name of public virtue.

If I agree, I have outraged one of our basic codes of conduct, and if I refuse I am guilty of contempt of Congress, sentenced to prison and fined. One way outrages my sense of decency and the other brands me as a felon. And this brand does not fade out.

Now suppose I have children, a little property, a stake in the community. The threat of the contempt charge jeopardizes everything I love. Suppose, from worry or cowardice, I agree to what is asked. My deep and wounding shame will be with me always.

I cannot be reassured by the past performance of the Committee. I have read daily for a number of years the testimony of admitted liars and perjurers whose charges have been used to destroy the peace and happiness of people I do not know, and many of whom were destroyed without being tried.

Which path am I to choose? Either way I am caught. It may occur to me that a man who is disloyal to his friends could not be expected to be loyal to his country. You can't slice up morals. Our virtues begin at home. They do not change in a courtroom unless the pressure of fear is put upon us.

But if I am caught between two horrors, so is the Congress caught. Law, to survive, must be moral. To force personal immorality on a man, to wound his private virtue, undermines his public virtue. If the Committee frightens me enough, it is even possible that I may make up things to satisfy the questioners. This has been known to happen. A law which is immoral does not survive and a government which condones or fosters immorality is truly in a clear and present danger.

The Congress had a perfect right to pass the Alien and Sedition Act. This law was repealed because of public revulsion. The Escaped Slave laws had to be removed because the people of the free states found them immoral. The Prohibition laws were so generally flouted that all law suffered as a consequence.

We have seen and been revolted by the Soviet Union's encouragement of spying and telling, children reporting their parents, wives informing on their husbands. In Hitler's Germany, it was considered patriotic to report your friends and relations to the authorities. And we in America have felt safe from and superior to these things. But are we so safe or superior?

The men in Congress must be conscious of their terrible choice. Their legal right is clearly established, but should they not think of their moral responsibility also? In their attempts to save the nation from attack, they could well undermine the deep personal morality which is the nation's final defense. The Congress is truly on trial along with Arthur Miller.

Again let me change places with Arthur Miller. I have refused to name people. I am indicted, convicted, sent to prison. If the charge were murder or theft or extortion I would be subject to punishment, because I and all men know that these things are wrong. But if I am imprisoned for something I have been taught from birth is a good thing, then I go to jail with a deep sense of injustice and the rings of that injustice are bound to spread out like an infection. If I am brave enough to suffer for my principle, rather than to save myself by hurting other people I believe to be innocent, it seems to me that the law suffers more than I, and that contempt of the law and of the Congress is a real contempt rather than a legalistic one.

Under the law, Arthur Miller is guilty. But he seems also to be brave. Congress feels that it must press the charge against him, to keep its prerogative alive. But can we not hope that our representatives will inspect their dilemma? Respect for the law can be kept high only if the law is respectable. There is a clear and present danger here, not to Arthur Miller, but to our changing and evolving way of life.

If I were in Arthur Miller's shoes, I do not know what I would do, but I could wish, for myself and for my children, that I would be brave enough to fortify and defend my private morality as he has. I feel profoundly that our country is better served by individual courage and morals than by the safe and public patriotism which Dr. Johnson called "the last refuge of scoundrels."

My father was a great man, as any lucky man's father must be. He taught me rules I do not think are abrogated by our nervous and hysterical times. These laws have not been annulled; these rules of attitudes. He taught me--glory to God, honor to my family, loyalty to my friends, respect for the law, love of country and instant and open revolt against tyranny, whether it come from the bully in the schoolyard, the foreign dictator, or the local demagogue.

And if this be treason, gentlemen, make the most of it.